ALL PUNISHMENT, NO PROTECTION
WHY THE ANTI-REFUGEE BILL SHOULD BE SCRAPPED

November 2021
EXECUTIVE SUMMARY

The Government is currently trying to pass its “Anti-Refugee Bill” (also known as the Nationality and Borders Bill), through Parliament. This Bill represents the biggest attack on the refugee protection system that we have ever seen.

Under the Anti-Refugee Bill, only refugees arriving through extremely restricted ‘official’ routes, such as refugee resettlement, will get protection. Almost all others could be criminalised, declared ‘inadmissible’ and be at risk of removal from the UK. Even if these people are able to claim asylum in the UK, they may only receive “thin ice” protection and will have fewer rights than other refugees.

This will have a huge impact on the lives of the 125,000 people currently in the UK asylum system, and on the lives of those who will need asylum in the future. Unsurprisingly, many refugees have strong opinions about this legislation. But there have been almost no opportunity for them to give their perspective during the formal process for scrutinising legislation.

Refugee Action held six online focus groups, designed using a participatory research approach, with 28 people who have lived experience of seeking asylum. We asked what they thought about the Bill, and what changes they wanted to see to the system.

People said this Bill seemed deliberately cruel and poorly thought through. They could not understand why a country that supposedly protects human rights would punish refugees. They said the Bill is out of touch with the practical reality of their experiences, and that it will make life harder and more dangerous for people seeking safety.

This Bill is all punishment, no protection. It fundamentally undermines international law and should not be considered by a country that helped draft and then signed the Refugee Convention. It fails to reform the UK asylum system and reneges on our international responsibilities.

Refugee Action will fight the Anti-Refugee Bill at every turn. We hope you will join us.
INTRODUCTION

The Government is currently trying to pass its “Anti-Refugee Bill” (also known as the Nationality and Borders Bill), through Parliament. This Bill represents the biggest attack on the refugee protection system that we have ever seen. The legislation breaks international law and undermines commitments made when the Refugee Convention was signed into law. It shuts out people fleeing violence and persecution and makes life more difficult for refugees already here. It doubles down on inefficiencies and will cost the Home Office a huge amount of time and money. It punishes, not protects, people who seek safety here.

OVERVIEW OF KEY CHANGES

➜ Clause 39 criminalises people for arriving in the UK to claim asylum without some form of permission to enter the country.

➜ Clause 15 declares asylum claims inadmissible if someone has passed through, or has a connection to, a third country (and allows the Government to send those people to any ‘safe third State’ that will accept them).

➜ Clause 11 creates a two-tier system of protection, where a refugee’s rights will depend on how they arrived in the UK. This could include limited family reunion rights, no recourse to public funds and no automatic right to settle for people arriving outside of a Government-administered resettlement scheme. People categorised as ‘Group 2’ will be ‘regularly reassessed for removal’. At the same time, the Government has refused to commit to resettling a specific number of refugees each year via resettlement schemes.

➜ Clause 12 introduces ‘basic full-board’ accommodation centres where certain groups of people seeking asylum will live. The Home Secretary will have the power to extend the current maximum length of stay of six months to any length of time she chooses. The Home Secretary will also be able to impose movement restrictions on people living there so that they cannot leave the centre at certain times of day.

➜ Schedule 3 paves the way for draconian ‘offshoring’ by allowing people seeking asylum to be moved abroad while their claim is processed.

People seeking asylum protest the conditions in Napier Barracks

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Only refugees arriving through extremely restricted ‘official’ routes, such as refugee resettlement, will get the protection they need. Almost all others could be criminalised, declared ‘inadmissible’ and be at risk of removal from the UK. If the Government can’t remove them, people will be able to claim asylum in the UK. But even then, they might only ever get “thin ice” protection and will have fewer rights than other refugees in a wide range of ways.

These changes will have a huge impact on the lives of the 125,000 people currently in the UK asylum system, and on those who may need asylum in the future. Refugees are already being failed by the UK asylum system. Instead of support and shelter, they are often left hungry and homeless while they wait, sometimes years, to get a decision that in too many cases is incorrect. The Bill does nothing to address these failings – instead, it entrenches them.

Unsurprisingly, many of those with lived experience of claiming asylum or being a refugee have strong opinions about this legislation. But there has been almost no opportunity for people seeking asylum to give their perspective on these changes during the formal process for scrutinising policy and legislation.

The Government’s consultation on these changes, dismissed as a sham by over 200 organisations and almost 15,000 members of the public, did not ask about people’s lived experience. Focus groups with people who have lived experience were inaccessible and assembled as an afterthought by Britain Thinks (the company contracted to run the consultation). These groups were only conducted in English, without adequate notice, and people did not feel confident their identities would be protected.

To address this, Refugee Action held six online focus groups with 28 people who have lived experience of seeking asylum. We spoke to people who were at various stages in the asylum process, living in regions across England, with diverse experiences. Four sessions were conducted in multiple languages, using interpreters. We asked people what they thought about the Bill, and what they thought a fairer, safer and more compassionate process would look like.

The aim of this research was to centre the perspectives of people with lived experience. The research team took a range of steps to ensure this, and these are outlined in the ‘About the research’ section in Annex 1. No project is perfect – but this is a step for Refugee Action towards collaborative research that empowers those with lived experience at every stage.

In these focus groups, people said the Bill seemed deliberately cruel and poorly thought through. They did not understand why a country that supposedly protects human rights would punish refugees. They said these changes are out of touch with the practical reality of their experiences, and that this Bill will make life harder and more dangerous for people seeking safety. Their feedback reflects why this legislation is now known as the Anti-Refugee Bill.

The first part of this report discusses three proposals that undermine the basic principle of asylum. The second discusses two changes that will force refugees and people seeking asylum to live in isolated, dangerous conditions while they wait for a decision on their claim. Each chapter includes recommendations for the Government that would create a safe and compassionate asylum system.

The Government boasts this Bill is part of building a ‘Global Britain’. In fact, it is a cruel, callous piece of legislation that fails to reform the UK asylum system, and reneges on our international responsibilities.

This report shows why Refugee Action will fight the Anti-Refugee Bill at every turn. WE HOPE YOU WILL JOIN US.
PART 1: A WRECKING BALL TO THE PRINCIPLE OF ASYLUM

It is clear they [the Government] are launching a war on refugees and asylum seekers; it is clear they do not want asylum seekers to come here... I hope that the people and the MPs, they reject this proposal, and they make the UK a symbol and icon of human rights and fight this.”

This quote is from Mohammed, 20 who fled the conflict in Syria and has been in the asylum system for almost a year. It summarises the reaction that many people with lived experience had to the proposals in the Anti-Refugee Bill – that those fleeing persecution and conflict are not welcome here.

Three proposed changes highlight the unwelcoming nature of the Bill:

1. **Clause 39:** Criminalising people for coming to the UK to seek safety if they arrive without permission to enter the country.
2. **Clause 15:** Refusing to admit a person’s claim if they passed through a ‘safe country’.
3. **Clause 11:** Giving refugees fewer rights depending on how they arrived in the UK.

These changes attack the basic principles of asylum – that people fleeing persecution should be welcomed, and not penalised for how they arrived here. Article 31 of the Refugee Convention specifically protects refugees from having penalties imposed on them due to entering a country without authorisation.

Part 1 of this report focuses on people’s responses to these three clauses. It argues they fundamentally undermine the Refugee Convention and should not be considered by a country that wrote and signed this document. It explains why they are unworkable when placed in the context of people’s experiences. And it shows the damage they will cause to people navigating the UK’s protection system.
CLAUSE 39: CRIMINALISING PEOPLE SEEKING SAFETY

This clause creates a new criminal offence of knowingly arriving in the UK without the necessary ‘entry clearance’ (i.e. a visa or other permission to enter). This means that:

- People who arrive in the UK to claim asylum, but don’t have permission to enter the country, would be guilty of a criminal offence simply for seeking safety.
- They could be fined or imprisoned for up to four years.
- The UK is undermining the Refugee Convention, which says people should not be criminalised for entering a country illegally, or for being in a country illegally before claiming asylum. This is in recognition of the fact that it is often very difficult in practical terms for people in need of protection to get visas (it is not possible to get a visa to enter the UK on the grounds that you need to claim asylum).

Our focus groups said:

- This is disappointing, unfair and unnecessary. It will make the UK a more hostile and unwelcoming place for those in need of safety. Maia, who fled from Georgia and has been in the asylum system for over a year, told us via an interpreter:
  
  "I ... thought the UK protected human rights, I was hoping for a human approach when I claimed asylum. I am so disappointed... the worst thing that makes me very sad is that they are trying to criminalise me, which I can’t understand."

- It will not prevent people coming to the UK to claim asylum – it will simply punish people after they arrive. People said they didn’t know much about refugee rights until they needed help, and at that point didn’t have time or resources to carry out detailed research. Most didn’t know what it meant to be a refugee until they arrived here.

- This policy misunderstands what it means to be a refugee, needing to flee your home to save your life. It treats seeking safety as a choice people make, rather than a life-or-death necessity.

THE WORST THING THAT MAKES ME VERY SAD IS THAT THEY ARE TRYING TO CRIMINALISE ME

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Punishing people for fleeing persecution

This change will punish refugees and people seeking asylum and make the UK an even more difficult place for them to navigate.

It is very difficult to come so far from your country and start again, particularly if you speak little English or have left family behind. Abraham explained how hard this had been for him:

I have no job, I used to work in civil engineering for 25 years in my country. I had my family there, when I came here, everything changed, my job, the weather, financial, communication. Everything has changed. I live alone. Everything is a lot of stress.”

People hoped to find protection and support in the UK after extremely traumatic experiences. They were not prepared for the hostile environment, the lack of help, or the long wait in poor conditions. When Mohammed fled Syria with his wife and young children, he was shocked by the ‘environment of terror’ they found in the UK:

The environment of terror [in the asylum system] was nothing that I expected, that is created by the Home Office and by the system as a whole. I was expecting better tools and a channel for people to find their way through life as an asylum seeker and after you get leave to remain.”

Sofia fled her country due to religious persecution and spoke via an interpreter. She explained how disappointed she was by the reality of the support she received:

I fled my country as I said, I was persecuted and threatened to be killed. I expected support here, but I didn’t get any support here unfortunately.”

Under this law, people will be criminalised when they most need support and protection. Instead of finding safety, they will feel more scared, alone and persecuted. It will add extra punishments on top of the unfair and dehumanising ‘environment of terror’ many of our participants have experienced. Maia explains, via her interpreter:

One thing that would have made the experience much positive would have been a human approach, I was looking at them and they looked at me as an enemy and that was so frustrating... [they should] Listen to you, consider you as a human and don’t look at you as an enemy... you are here to seek protection and it isn’t easy to leave everything and everyone behind and arrive in this country absolutely alone.”
It won’t prevent people coming to the UK

People said this would not prevent people from coming to the UK to claim asylum. Firstly, most of those we spoke to knew nothing about the UK’s asylum laws before they came here. They would not have known they were committing a crime by arriving without permission. Secondly, when people flee for their lives, they will take whatever path is open to them – even if it’s dangerous or illegal.

Amir spoke about his experience fleeing a Middle Eastern country with his wife and two young children after being persecuted by the Government there:

"We came to this country because we heard that the British could give us our human rights and children a life. We came here, we don’t know what to do, where to go, what is asylum, we don’t know anything about this. My wife searched Google to see how to get asylum.”

Participants had a range of experiences before claiming asylum, but nearly everyone said that before they found themselves in need of protection, they knew nothing about the legal process.

This will make people smuggling more lucrative

According to the Government, the justification for its Bill is that it will crack down on organised crime and people smuggling. However, their own Equality and Impact Assessment acknowledges there is limited evidence Clause 39 will achieve this. In fact, participants in our focus groups thought this policy would benefit people smugglers. As Fernando explains:

"On the news [the Government] were saying that ‘we are doing this so smugglers don’t get money’…[but] what you will do is make them richer as they will find out how to get in the country and they will charge more… People pay! Because they need to save their lives.”

The business model of people smuggling is based on the fact that, when people are fleeing danger, they are often shut out of ‘regular’ routes to safety by practical barriers:

- People fleeing their country’s Government may not be able to get a passport.
- People may not have time to wait for a visa to be processed, the money to get one, or may find themselves refused for reasons outside of their control.

When in immediate danger, people didn’t have time to research the UK asylum system before arriving. Fernando, who fled immediate threats to his life in Central America, explained:

"I didn’t have time to see how the system actually works and the process, I didn’t know anything, I wanted to save my life.”

Others were displaced from their home for many years and lived in difficult, dangerous conditions. These people were also unlikely to have the resources to research their rights. John lived in a refugee camp for many years before seeking protection in the UK, he also knew little about asylum before he got here:

"When I got here, I thought there was only four countries that help asylum seekers. Now when I get here and do some research, I know there are other countries that also help.”

People do not plan to be refugees. When fleeing danger most people do not have the time or resources to research asylum laws in different countries. And before this, most barely know anything about asylum at all. They will therefore be very unlikely to know they will face a penalty for arriving without a visa, so changing the law will not prevent them from travelling in this way.

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WHAT’S THE ALTERNATIVE?
Welcoming and supporting people from the start

People wanted a system that welcomes and supports people, instead of treating them as enemies. Abraham explains how important this would be for him:

“I came from Ethiopia three years ago, I came alone, I did not have help from anyone, I didn’t have any information. I don’t know how I can write a letter, everything was a problem for me, I need support, I need legal advice... everything is a problem. I don’t know how to reach everything as everything is an issue, everything is stressful and I don’t know what to do.”

The Government should:

- Improve access to information and legal advice for people seeking asylum: This should include provisions for giving people advice before they claim asylum, so they understand the process from the beginning. It should also include improved funding for legal aid.

- Provide wraparound, holistic and practical support for people as soon as they arrive: This should include support to access necessary healthcare as soon as possible, providing people with mobile phones and helping people to navigate systems in the UK.

- Treat people with empathy and kindness: People should be treated as human beings throughout. They should be believed and made to feel safe, comfortable and welcome when they arrive.
CLAUSE 15:
REFUSING TO ADMIT SOMEONE’S ASYLUM CLAIM IF THEY PASSED THROUGH A ‘SAFE COUNTRY’

This clause states:

- People will not be able to claim asylum if they travelled through a ‘safe third State’ or the Government thinks they should have claimed asylum in a ‘safe third State’. 27
- The Government will try and remove people, either to the safe state in question, or to any other ‘safe’ country that will agree to take them. 28
- A ‘safe’ country is defined as one where someone’s life and liberty are not at risk, and where they are not at risk of persecution under the Refugee Convention. 29
- If they can’t be removed within a ‘reasonable time’ (currently set at six months after arriving in the UK) 30, that person will then be able to claim asylum in the UK. 31
- If they are allowed to claim asylum, they might be housed separately from other people seeking asylum, 32 and could have limited rights to financial support. 33 If they are subsequently granted refugee status, they will be given fewer rights than other refugees.

This means that:

- A huge proportion of people claiming asylum in the UK could have their claims declared inadmissible.
- Between January and June 2021, 4,561 people had their claims investigated. 34 Many had come from countries with high recognition rates, such as Afghanistan and Eritrea. 35 This means many people potentially declared inadmissible would otherwise be recognised as refugees.
- People declared inadmissible could be sent to a third country they have never been to and don’t feel safe in. The legislation sets a very low standard for safety.
- In practice, people whose claims are declared inadmissible are unlikely to be removed from the UK in large numbers, because the UK does not have return agreements in place with other countries. 36
- Most people in this group will enter the asylum system after six months. This effectively adds an extra six months to people’s overall waiting time in the asylum system, which is already far too long. This will take a huge toll on people’s health and ability to integrate and rebuild their lives.

Our focus groups thought that:

- The UK has committed to protecting refugees by signing the Refugee Convention. These changes contradict that commitment. As Maia said:

  "Sometimes you can’t get directly to the country where you can seek refuge, you have no choice but to pass through another country, but you may not consider that country safe... I don’t like their approach; this is not logical. They can simply come to us and say ‘you are not welcome here’. That would be more understandable.”

- This is deeply unfair and out of touch with the reality of seeking safety. People had reasons for claiming asylum in the UK rather than in other countries. Some spoke English or had a faith community here. Many saw the UK as a place of sanctuary and came here believing they would find strong human rights protection.
- This legislation betrays the trust they placed in the UK by travelling here, and ignores the many benefits refugees bring to our society.
- Instead of making it more difficult for people to claim asylum, the Government should welcome people and give them the rights they need as soon as possible. For example, they should give people seeking asylum the right to work after they have been waiting six months for a decision on their claim.
Breaking the UK’s fundamental commitment to protect refugees

People felt this change was not in line with the Refugee Convention, which states refugees should not be penalised based on how they arrived in a country. By signing the Refugee Convention, the UK committed to uphold this standard. Yet now the Government is trying to pass laws that undermine this commitment. People felt this was deeply confusing, difficult to understand and showed disrespect for laws and conventions agreed by an international community.

As John put it:

They [the Government] are part and parcel to the world, and they came bilaterally to sign [the Refugee Convention] ...Now they are trying to make decisions not based on what they have signed.”

Marie, who fled Zimbabwe, described the emotional impact this change would have on people who came to the UK hoping to find safety here:

People come to the UK as they think there are people [here] who are helpful and people who understand our human rights. It’s a betrayal to them. “

Failing to recognise the reality of people’s experiences

People thought this change is deeply unfair and shows a lack of understanding of what people go through when seeking safety. Mustapha linked this to the Refugee Convention, pointing out that the reason the Convention states people cannot be penalised for the way they arrive is to acknowledge the barriers people face when seeking safety:

If you think of the Refugee Convention, it says nothing about the type of route you have to come from to claim asylum. People are fleeing persecution, whatever means they can get to flee, they have to do it. Some people flee persecution without money, with nothing at all, so how can we expect them to take a flight to come to the UK before they seek asylum?”

As Mustapha says, many people can’t flee directly to the UK for practical reasons, like not being able to get a direct flight. Others may pass through a country on their way to the UK without claiming asylum because they do not feel safe there. People didn’t understand why they should be penalised for such actions.

Fernando, who fled his home country due to gang violence, explains how his journey was impacted by this:

There are no direct flights between [my home country] and the UK. So I have to go through another country...I spend two hours there before coming to the UK. The country I passed through is not a safe country for me...there are gang members [there], that is why I know that [it] is not an option for me.”

Finally, people felt this change showed no recognition of the fact that people choose to claim asylum in the UK for a reason. Many of those we spoke to have family or community links to the UK or speak English.

John also pointed out the importance of the UK’s colonial history:

History matters a lot. Countries have different routes in different parts of the world, what they call colonies. Some places, they won’t be thinking about coming to the UK, they will be thinking about going to France. The same to British countries, they will not be thinking about going to different countries like Belgium, they will be looking to come here. They need to ask why people are thinking about coming here and have that information in their minds.”

Others come here because they did not know where else they could go and believed their human rights would be protected in the UK. People felt it was deeply unfair to turn someone away for such an arbitrary reason, particularly when they have taken such a leap of faith in coming here. Sofia did not understand why people in this position would be turned away:

I had people from [my] community saying that this was a safe place for me where I could practice my religion. That is why I did not think of somewhere else to go and I don’t see why it should be a problem to claim asylum in this country when I don’t have information on other countries. I could have claimed asylum in France or Italy or other countries, but it is in the UK where I decided I would be free and where I would be welcomed and I had some connections. Whereas I have absolutely nobody in France, why would I go to France?”
Increasing the asylum backlog

The main impact of this policy will be to dramatically increase the length of time people wait before getting a decision on their asylum claim. Most people won’t be removed from the country, as the UK has very few agreements in place that would allow them to do so. Instead, most people who are declared ‘inadmissible’ will wait in limbo for a ‘reasonable time period’ (currently set at six months, although this can change at any time), and only then will they enter the asylum system.

It already takes far too long to move through the asylum process. The Government’s own statistics, analysed by Refugee Council, show that the average waiting time for an initial decision is between one and three years. Some people wait far longer – people in our focus groups had waited eight months, two years, and more than three years before even having an interview. This takes a huge toll on people’s mental health, as Maia told us:

I have been waiting for an interview, for two-plus years, closer to three years now. This is a horrible experience for me. I can say that it has destroyed me psychologically as a person. During this time... I have no rights at all. I would like... if I had access to employment, if I had better to support myself and better communication with the Home Office. I want to prove what kind of person I am; I want to let them know me better.”

People spoke about how difficult it was to wait for so long, with no idea when their case might progress to the next stage, when there is so much at stake. Many have had very negative experiences in the asylum system already, and so are afraid of what might happen next. As Mustapha, who fled a West African country, put it:

Waiting for an asylum decision, there is no dream in it, let me tell you. It is very stressful. It will give you a lot of stress and the stress ends up in mental issues. There is no dream at all. Every day you wake up from sleep at 2 o’clock at night and think, ‘what is the outcome of my asylum case? Is it going to be refused?’ Especially if you are waiting one year, two year. All of the stress, everything is stressful.”

In addition to the stress and anxiety caused by waiting, people’s lives are placed on hold during this time. They cannot work, get just £39.63 a week to live on and have very little control over their lives. Amir shared with us how difficult it is to wait in such conditions, as you watch years of your life slip away:

We claim asylum to save our kids, but we are dying from another sickness another way. We are waiting for paper[s]. We cannot work, we cannot do anything. And for people’s mental health that is causing a problem mentally. We are dying.”

Many people spoke of the jobs they’d had before coming to the UK. They said that being able to work would help give them a sense of purpose and help them to rebuild parts of their identities and lives that they had lost. Norien, who also fled a West African country, shared her frustrations:

At the end we are like a second-class citizen in the land. We can’t acquire anything; we are being cut short and feel like a prisoner. Our children cannot attend a level of education... In the asylum system, the level of mental health problems is up to 90%. Not that we are lazy that we can’t work, the opportunities aren’t there, we aren’t given the chance to work.”
WHAT’S THE ALTERNATIVE?

Government should treat people with dignity while they wait

People wanted a system where they can live with dignity and are not left to wait in uncertainty. That means ensuring people’s claims are assessed and decided more quickly, and where they have more information about the progress of their case. They also wanted changes that would improve their lives in the meantime.

The Government should:

- **Lift the ban on people seeking asylum working:** By giving people the right to work after they have been waiting for a decision on their claim for more than six months. This would improve people’s quality of life while they wait, help them integrate and learn English, and improve their mental health.

- **Improve communication between people seeking asylum and the Home Office:** By introducing an online portal to track asylum applications and giving people a named caseworker who they can ask for updates. This would give people a sense of control and agency over their case and help with feelings of stress and anxiety.

- **Speed up the process:** By removing the existing inadmissibility regulations and focusing instead on improving the decision-making process, so that more decisions are right the first time. This would make the system better both for people in it, and for the Home Office.
This clause states:

- Once they have been accepted as an official refugee, people will be treated differently from other refugees if they:
  - Didn’t come directly to the UK from the place they were at risk of persecution
  - Were in the UK without permission without a good reason, or
  - Did not claim asylum straight away.

- These ‘Group 2 refugees’ will be treated differently in a range of ways, which could include:
  - Getting a shorter period of leave to remain
  - Finding it more difficult to get the right to settle in the UK
  - Having fewer rights to bring their family to the UK
  - Not having access to rely on public funds, such as benefits or social housing.

This means that:

- Anyone who is allowed to claim asylum after passing through another country on the way to the UK will be discriminated against as a result after they are granted refugee status.

- They will be given a precarious form of temporary protection, with no possibility of the right to settlement for at least ten years. In the meantime, they ‘will be expected to leave the UK as soon as they are able to’.

Our focus groups thought:

- Temporary protection is no protection at all. Refugees with temporary status would never feel they can settle in and restart their lives.

- This will make it more difficult for refugees to get housing, jobs and education.

- This treats some refugees as second-class citizens. People with temporary status will feel isolated, marginalised and different from other members of their community. It will increase divisions and tensions in the UK.

As Matthew said:

"I think it is an attempt to create first- and second class level of refugee. That would be sad, as in the present system refugees have all the rights and benefits of everyone else, but... the refugees are still looking like second-class people. If you create an even lower class, what class would that be anyway? I don’t know, I don’t want to hear about that. When I hear about it, I get upset."

IT IS AN ATTEMPT TO CREATE FIRST- AND-SECOND CLASS LEVEL OF REFUGEE.
Temporary protection is no protection at all

One person said that when they received refugee status, they felt great relief knowing they would not be sent back to the country they had left. Another had felt very emotional, thinking about all they had lost in the process. With temporary status, people will not experience that sense of relief.

Halima, who has had refugee status since March 2021 and has a daughter of secondary school age, originally fled from Pakistan. When reflecting on her own experience of being a refugee, Halima told us that:

Temporary status is different. When you get temporary status, mentally you will not be satisfied. Mentally you will be upset, emotionally you will be upset, your family will be upset. What are you getting? Nothing? No need to have the status, you may as well not have it. It is like being an asylum seeker. You are hanging. Tomorrow you may have to leave.”

As a result, people felt that the introduction of temporary status would mean people will never feel they can settle and restart their lives. You are still in danger of being sent back to where you fled, and the fear of persecution remains. You are living on “thin ice” protection.

Poppy, who has refugee status, told us:

For this to be imposed it adds to the confusion and anxiety and all the mental difficulties for refugees. You’ve been on a long journey, you’re missing your family members, you’ve lost your family members. People have been through different stuff and after they arrive, they are told they are here temporarily? After two, three, four, five years, they may not get indefinite leave to remain.”

Poppy also pointed out that keeping people in this precarious, uncertain position, and separating them from the rest of society is ultimately damaging for us all:

It won’t be helpful for anyone, including the hosting country. People won’t be settled, people won’t look for the future and setting down, start a family or business. They are threatened of evacuation at any time.”

It will punish people for actions they had no choice but to take

Those with lived experience felt it was confusing that people who need protection and were forced to leave their country would be treated in this way. It implies that people have chosen to travel to the UK, so can be encouraged to leave. Thomas, who fled the Democratic Republic of the Congo, commented that:

People... are coming here to seek safety... It is because things are very hard, that is why people are looking for safety... we miss home, we miss friends, we miss people, it is more than just ‘coming here’. They [the Government] should just think about it.”

Many refugees will not want to go back to the country they have fled, which has been the site of great personal difficulty and trauma. They may have grieved for their previous life and moved on by creating a new life in a new country. All those we spoke to said they left their homes to keep themselves and, in some cases their family, safe. Much of the difficulty and distress experienced by people in the asylum system can be linked back to the fact that, when they say this, they are not believed.

Therese, through an interpreter, said:

The UK Government does not consider people sometimes. They think people just come here for a better life, for work, for money but people are fleeing persecution and they want safety but they don’t get that. When you go to the Home Office and tell them your story, they don’t believe you. If they believed you, the UK would be a more welcoming country.”

When you go to the Home Office and tell them your story, they don’t believe you.
Making it even more difficult for refugees to rebuild their lives

When we spoke to people with refugee status, they spoke about how incredibly difficult it had been to rebuild their lives, even after a positive decision. People spoke of their frustration at struggling to get a job or make connections in a new community when still learning English. If temporary status is created, it will create additional barriers to integration.

People are effectively banned from working while they wait for a decision on their claim. Since people wait an average of between two and three years, they spend a significant amount of time shut out of the labour market. People who had received refugee status said that one of their biggest challenges was finding work after having been shut out for so long. Matthew explained:

“As an asylum seeker you don’t have credit history, job or anything. By the time you become a refugee it is hard for you to start a business without credit... it is hard to boost your business even if you have experience.”

Several people linked this with difficulties accessing English classes, as speaking English and finding a job are closely linked. People seeking asylum do not have access to free English classes, and these are unaffordable on their allowance of £39.65 per week. This makes it even harder to find employment and has a huge impact on people’s self-esteem and sense of belonging. As Martiza, who fled from Iraq and now has refugee status, explains:

“I never used to be jobless and couldn’t speak English. Experiencing bad feelings, not being able to communicate with people... [finding a job] is the main thing that integrates new people. Everything becomes easier. If you have been home for 10 years... Sometimes I don’t want to go back there and think about it. We have lots of experience and skills but we cannot use it. It is useless.”

There is a widely documented hostile environment in the UK. This prevents many migrants and other racialised groups from renting homes, getting jobs, healthcare and education, and encourages discrimination and racism. Temporary refugee status will make refugees even more vulnerable to this unjust and discriminatory treatment.

For example, people told us temporary protection would be another barrier to finding a job, as some employers would not want to hire people with insecure status. People were also worried that temporary status would isolate and marginalise refugees in other ways. Halima volunteers with a charity that supports people in the asylum system. She has been looking for a job since receiving refugee status eight months ago:

“Suppose you are given temporary status, what about the other policies? How will you rent a house? How will you start working and you do volunteer work? People will say ‘Oh you’re on temporary status’. You can’t, you can’t, you can’t. It will affect everything... They [refugees] will not have anything. What about their kids? How will they enter university and there are so many requirements, they will check and see they have temporary status and get nothing.”

People also said their difficulty settling into life in the UK was made worse by experiencing racism and being treated as outsiders, even after getting status. Negasi spoke about the difficulties his daughter faced when she tried to apply for college:

“When my daughter applied to college... they rejected her application because they aren’t sure of her previous education in our country. They proposed she goes for ESOL for three years before going to university. Imagine that, would have taken so much time. So, she insists that ‘I can manage my situation, please give me a chance’. So, they gave her a test, now she completed college with outstanding results and her photo has been put in the board of the college as outstanding achiever. The first stage, they are dealing with the perception of the refugee, and the experience and education of the refugee is completely ignored.”

WE HAVE LOTS OF EXPERIENCE AND SKILLS BUT WE CANNOT USE IT. IT IS USELESS.
WHAT'S THE ALTERNATIVE?
Support refugees to settle in the UK

This policy will further divide our society, and increasingly isolate people seeking asylum in the UK. Instead of legitimising discrimination in this way, Government should support refugees to settle and integrate into the UK and feel welcomed here.

The Government should:

■ Fund English lessons for refugees and people seeking asylum: This is essential to find a job, connect with your community and maintain wellbeing.

■ Support refugees to enter the workforce by:
  - Allowing people in the asylum system to work after they have been waiting for six months for a decision on their claim;
  - Introducing schemes that encourage companies to hire refugees.

■ Remove barriers to accessing higher education experienced by many refugees and people seeking asylum.

Amal, a refugee campaigner calling for better access to English classes, in front of Number 10

REFUGEE ACTION ALL PUNISHMENT, NO PROTECTION: WHY THE ANTI-REFUGEE BILL SHOULD BE SCRAPPED
People are very stressed and live in hardship, they are not feeling that they are welcome, people should be welcome when they arrive in a country. People are not feeling welcome anymore, they live in fear, they live in uncertainty, asking, ‘What is going to happen to me?’ This is not a fair way for people to be treated.”

As Marie describes above, people in the asylum system live in extremely difficult conditions, under great stress and uncertainty. The policies discussed in Part 1 sent a clear message to members of our focus groups that this Government does not welcome refugees in the UK. But this message is already being sent, more subtly, by the material conditions people seeking asylum in the UK are forced to live in.

The Anti-Refugee Bill contains two policies that entrench these poor conditions, so that people seeking asylum will find it even more difficult to live a bearable life while they wait for a decision.

The policies are:

1. **Clause 12:** Introducing basic, full-board accommodation centres.

2. **Schedule 3:** Preparing to send people seeking asylum to offshore camps.

Part 2 of this report focuses on these two proposals. It argues that segregated housing will be low quality with few facilities, will isolate people seeking asylum from wider society and will lead to huge physical and mental health risks. Preparing to send people seeking asylum away to live in other countries comes with all the same concerns, amplified several times over and with additional risks. Both policies will punish people for seeking safety, as if this was a choice rather than a necessity.
### CLAUSE 12: INTRODUCING BASIC, FULL-BOARD ACCOMMODATION CENTRES

**This clause states:**

- People seeking asylum can be housed in accommodation centres for up to six months. This time limit can be increased by the Home Secretary.
- People seeking asylum can be housed in groups according to the status of their claim. For example, anyone who the Home Office thinks has an inadmissible claim, or who has had an initial negative decision, can be housed in a centre with other people in this group.
- At these accommodation centres, people will be provided with food and essential items, money, transport, education, access to healthcare and religious facilities. They may be required to remain onsite during certain hours of the day.

**This means that:**

- The centres/camps are likely to be similar to those at Napier and Penally barracks, where conditions put the mental and physical health of residents in serious danger. An inspection of the camp at Napier by two independent government agencies uncovered ‘serious safeguarding concerns’, with residents feeling ‘trapped in poor conditions’. A legal challenge is underway to challenge the ongoing use of the site.
- The Government attempted to build on these attempts to ‘warehouse’ people seeking asylum by looking to set up camps in Hampshire and Yarl’s Wood, although these plans were later abandoned. Based on these examples, we can assume accommodation centres will likely be in isolated areas, with limited support for residents and few opportunities to connect with the wider community.
- People may be told they can’t leave the site without permission and could be placed in a centre ‘to facilitate their removal’ from the UK. These people would effectively be detained.

**Our focus groups thought:**

- This will put people’s physical and mental health in danger. People seeking asylum can have complex needs and need support. They shouldn’t be living in overcrowded, isolated places.
- People won’t be able to get the support they need in accommodation centres.
- This will make it harder for people to make connections and feel part of their community.
- This will not give people dignity and is not a good way to treat those who have fled persecution. Mustapha, who fled a West African country, said:

  > There is no dignity in asylum camps. We are talking about giving people dignity, that is the point we should stand on. Once you are in a camp there is no respect.”

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**THERE IS NO DIGNITY IN ASYLUM CAMPS.**
Increasing health risks through overcrowding

People felt that living in a communal accommodation centre would put people’s health at risk.

Many people seeking asylum have complex psychological trauma due to the persecution they have fled. On top of this, the stress of the asylum system can damage people’s mental health even further. Participants believed this will be even worse if people are placed in communal accommodation centres. Negasi recently received refugee status after being in the UK for years. He explained:

“The asylum seeker is coming with a lot of mental issues, it will be more severe, this will lead to some misbehaving or risk. Those people are coming with their own difficulties and seeking protection. This will complicate things.”

This will be exacerbated by cramped conditions, particularly if people are unable to leave or keep themselves occupied. They will have very little to do apart from dwell on the stress of their asylum claim and past traumas.

Marie explained how people’s internal struggles would become amplified in such an environment:

People who are in one place, they don’t have anything to do. So they are there thinking, stressing, for me, I don’t think it’s right at all.”

People were also concerned about the health risks of communal accommodation in the context of the pandemic. People mentioned the mass Covid outbreaks at Napier barracks, which are very similar in design to the planned accommodation centres. Negasi commented:

Especially with Covid, yesterday with the news, I heard so many cases in these centres and it’s easy to spread it out as there is no social distancing and awareness. It can be a source of infection for all of them, keeping this many people in a certain place for a long period of time without adequate support.”
Segregating those seeking safety

Full-board accommodation is segregation in action. They will keep people separate and isolated from the wider community. People told us how lonely and disconnected they already felt in the UK, even after receiving status. This proposal will only increase this.

From the moment they arrive in the UK, people said they felt incredibly lonely and struggled to cope with everyday life without the connections they had left behind. It is difficult to move to a new country, start again and integrate into a place that you know nothing about. Sofia, speaking via an interpreter, said her mental health suffered hugely as a result of this loneliness:

Loneliness was one of the hardest and most important issue that I faced. I... fled my country because I was threatened to be killed there. I already had depression when I arrived... now, I feel worse. For three years I can't sleep properly.”

People worried that this loneliness would be worse in an accommodation centre, where people would be physically separated from communities and the support they rely on.

Ruth is in her 70s and left a country in central Africa due to conflict. She is currently homeless after a negative decision on her asylum claim. She was taken in by a friend, Grace, also in her 70s and in the asylum system. She told us, via an interpreter, how difficult it would be if she was separated from her support network:

It is an awful idea, imagine being in a centre where you’re in a room alone... if you get sick, what will happen to you? Like we are now, four of us in this room, if I get sick, someone else can ring the doctors. I feel part of a family. It is difficult but I feel part of a family, if I get sick in my room in the centre and they don’t speak the language, what will happen to me?”

People in our focus groups were eager to feel part of a community in the UK but face barriers. Not being able to work and struggling with their English made people feel separated and isolated. People also mentioned feeling geographically isolated. One person lives far away from his children’s school and so found it hard to drop them off every day.

Martiza, who has refugee status, spoke about the link between this physical and linguistic isolation with her own experiences of racism:

You can feel it walking down the street if you are not walking with people. You recognise that you are treated differently. You are not the same. If you are English people, you are number one, [or] if you speak proper English, [but] if you are Muslim it is different. They all smile to you and say they are not different but deep down you can feel it... the council of this area, they divide communities. My area is Kurdish people. Other areas are African, Somalian. This is how we are divided... If I live with Kurdish people then I do not get abuse at the end of the day... But I need to learn other cultures!... If everyone is separated, it is going to be like this forever. We will always be different to each other.”

Before Matthew was forced to flee Nigeria, he was a successful businessman. Even after receiving refugee status, he has found it hard to feel part of society, particularly due to his struggle to find work. He spoke about the impact this has not just on refugees, but on all of society:

If we are complaining about integration, that it’s hard enough when we can go into town and to the market. If integration into society is made difficult, it will have an adverse impact on society... That is what the accommodation centres may bring on.”

As Matthew points out, accommodation centres will only increase this segregation and the perception that refugees are different or “other”. This will make it more difficult for refugees to build a home for themselves, and lead to more divided communities. It will also require more spending and support for people when they receive refugee status to undo this time spent away from the community and time locked out of the UK workforce. As Maritza put it:

Having these centres out of cities, how do you think that will affect people’s ability to integrate into a community? It will be difficult, there will be no way to communicate with others. Sometimes I am hopeless. The UK mentions human rights, there is a big title about them but now they don’t practice all of them, its only on paper.”
HOSTILE ENVIRONMENT

The UK’s ‘hostile environment’ is a set of policies that make it difficult for people to rent homes, get jobs, access healthcare and more without being able to show their immigration status. These policies make many practical aspects of life difficult for people without status, as well as migrants and other racialised groups more broadly. People in the asylum system are similarly restricted in accessing work, suitable housing, benefits and healthcare.

Arguably the Anti-Refugee Bill’s changes to the ways people seeking asylum are housed have a similar aim – to make seeking asylum almost impossibly difficult, and therefore to discourage people from doing so. Of course, as this report outlines, there is no evidence that such policies will discourage people and, even if they did, this is not how a signatory to the Refugee Convention should treat people seeking asylum.

Worsening the asylum accommodation crisis

There is currently a crisis in asylum accommodation. This legislation will make that crisis worse.

People across our focus groups have experienced extremely poor conditions in their government provided accommodation. Many were living in dilapidated, unsanitary or dangerous conditions. Others had been living in hotels for months. They also spoke about how difficult it was for them to get these issues addressed due to poor responses from Home Office contractors. As Therese put it: “The way you are living is like an animal, when you tell them the conditions aren’t good, they don’t follow up and you have to live in a very bad situation.”

Amira and her young family had a traumatic experience in asylum accommodation when the ceiling collapsed on her and her baby. She has yet to have the problem acknowledged by the organisations responsible for keeping her safe:

An incident has just happened to me, the ceiling collapsed on me and my baby. Migrant Help [who are contracted by the Home Office to support people in the asylum system] have been ringing me saying only now they have logged the complaint to the Home Office and it has been one month and the Home Office haven’t heard anything. It has been one month and they have only just heard what has happened to me. I am waiting for the Home Office now... they were supposed to ring me yesterday, but no one has contacted me. I am still waiting for them and I’m still waiting for my interview.”

Amira’s experience is sadly not unique. Between September 2020 and August 2021, at least five Refugee Action clients have had extremely poor experiences in hotels used as long-term accommodation. This is particularly difficult for people who have recently arrived, do not speak much English or don’t have a support network in the local area. Negasi shared the following story about someone he knows living in a hotel in the North West:

There is a hostel in [the North West] containing so many asylum seekers, they can’t go outside because of Covid and they have to spend days isolating in a hostel, seeing when they will be relocated... when a lady came to [his room], knocking on the door and asking for any trash, he is an Arabic language native, he put all his clothes in the bag and gave it to that lady. He thought it was for washing and his clothes got put in the bin.”

Based on experiences of long waiting times in current accommodation, those with lived experience feared the worst about the centres. As Maritza put it:

I can’t see it is going to be temporary for some people, the accommodation. We see people in the asylum system for 10 years now. I can’t think it will always be temporary.”

Accommodation centres will not fix any of the existing problems in the broken asylum system. Instead, they will entrench these issues and produce new ones.
WHAT’S THE ALTERNATIVE?
Government should house people seeking asylum within communities

They should create better homes for asylum seekers. Homes which treat people with dignity. We are all people despite our differences.

People seeking asylum should not be housed separately from the rest of our communities simply because of their immigration status. They should be able to live in good quality housing within communities, where they can access public services (including legal support) and get to know their local area.

The Government should:

- Close Napier Barracks immediately and dramatically decrease the number of people living long term in hotels.
- Invest in good quality dispersal housing in areas across the country.
- Ensure people are housed in properties and locations that meet their needs. For example, families should be given properties with enough space, disabled people should have accessible homes, and families with children should be housed in areas with suitable schools.
- Ensure all dispersal housing meets a set minimum standard, with Ministerial accountability if this is breached.

A refugee family resettled to the UK
SCHEDULE 3:
OFFSHORING PEOPLE SEEKING ASYLUM

This clause states:
- People can be removed from the UK and sent to live in another country while their asylum claim is pending.70
- There is a list of countries that are presumed to be safe.71
- If a person can show that, in their circumstances, they would not be safe in that country, they cannot be sent there. However, there are a limited number of reasons they can give for this.72

This means that:
- People could be sent to live in offshore camps while their claim is being processed. Given the length of time people wait for a decision, people could be waiting in such a camp for more than five years.73
- Since they are located overseas, these offshore camps will lack the scrutiny and oversight that would be applied to accommodation located within the UK. It will also be more difficult for people to access legal advice and other support.
- The camps are likely to be similar to the Australian offshore camps on Nauru and Manus Islands, which have seen widely reported human rights abuses, suffering and death.74, 75, 76
- The Government would need to sign an agreement with another country in order to set up such a camp. So far, they have not signed any such agreements but have reportedly investigated setting up such a centre in Rwanda,77 Moldova,78 and Albania.79

Our focus groups thought:
- People thought this sounded like putting people in an asylum camp or prison. It feels inhumane and will cause more suffering for people who are already in distress. As Ahmed put it:

  "It’s not a camp, it’s a prison. Let’s call a spade a spade. They are trying to limit the access of people who are already in distress... Mental [health] issues have been mentioned, they are putting additional stress on mental issues and this whole thing is counterproductive for their [the UK Government] own ends as well."

- People were very scared about the prospect of this happening to them. They did not want to be sent away from the UK, a country they came to because they believed it was safe and where they have found community. They were worried about potentially being sent to a country where they would not be safe.
- People felt this would not address any of the problems in the asylum system – it will just move them. Instead of sending people offshore, the Government should fix the asylum system in the UK.

IT’S NOT A CAMP, IT’S A PRISON.
Scaring those seeking sanctuary

When we discussed this clause, people thought the offshore proposals sounded like asylum camps or prisons. This is an extremely disturbing prospect, particularly for those who may have fled similarly dehumanising and traumatising environments in the first place. People worried refugees would not be treated with respect and compassion in an environment that strips them of their dignity. As Therese put it:

“Instead of taking people outside of the country in camps, like a prison... They need a safe haven. That is why they do risky journeys to come over.”

People told us they came to the UK as they heard it was a ‘land of asylum’ and protected human rights. The proposal of offshoring betrayed the faith they had in the UK of a place that respected human rights and would protect those that are fleeing persecution.

Sending people into danger

Several people felt that this proposal would put them at risk, depending on which country the Government partnered with to create an offshore camp. Armandine shared her perspective through an interpreter:

“People should be treated fairly and have the chance to seek asylum and find better solutions instead of outsourcing the problem. With regards to the second point of sending people to other countries, [another participant] has just highlighted the ongoing conflict existing already and... people experiencing a lot of violence. Do they want us to go and die there?”

Everyone in our focus groups opposed sending people seeking asylum offshore. However, the possibility of being sent to a country like Rwanda, a place that has been suggested as a possible location for these camps, created significant distress among the group. For some, the prospect of being sent back to the same region and conflict they had fled was extremely worrying. As Grace shared via her interpreter:

“You want to send us to where we come from, where we fled, it’s not going well, and the people are treating us badly there, that is why we fled. How can you send us back there? There is corruption and all the issues you can think about. There is no way you can send us to a corrupted place and expect justice and fairness.”

Ruth, who is in her 70s, fled from a central African country that does not have a good relationship with Rwanda. She was horrified by the prospect of the Government sending people offshore to Rwanda. She felt it would put both her safety and her health at risk. She told us passionately, via an interpreter, that this should not be considered for anyone.

“If I am sent to Rwanda, will I get the treatment I need? The human rights is awful in Rwanda. How can you send me to this country? Their own people are fleeing Rwanda and now you want to send me there? I feel this possibility should not be taken into consideration.”

Like many of the proposals in the Anti-Refugee Bill, even the prospect of such treatment places huge additional stress onto people in the asylum system. The reality would be far worse. Being housed in an offshore camp far from the UK would lead to increased isolation, human rights breaches and mental health issues. It would also exacerbate all the problems outlined elsewhere in this report.
Offshoring will achieve nothing

Australia’s ‘Pacific Solution’ Offshoring – Contemptible Policy Failure

There are strong indications that the UK Government is seeking to replicate the controversial offshoring policy first implemented by Australia. Since 2012, Australia has operated its offshore processing system on the neighbouring Pacific islands of Nauru and Manus, Papua New Guinea (PNG).

The overall purpose of this policy was to deter people from seeking asylum in Australia. Its aims included: ‘deterring irregular maritime migration, to stop boats and break the business model of people smuggling and networks’. Such rhetoric is being replicated by the UK Government in reference to the Anti-Refugee Bill.

As part of Australia’s policy, those whose claims were deemed “inadmissible”, including those who came by boat, were kept offshore. People were made to wait in open-air, highly securitised detention centres for a decision about their future that, for many, took years. Added to this, the Australian Government made clear that no one in the cohorts sent offshore would ever be resettled in Australia, even if they were eventually recognised as refugees.

In policy terms, the Australia offshoring model was a clear and abject failure. There has been no evidence to suggest that this model of offshoring has reduced migration flows any less than the global trend. Active offshoring lasted less than two years. Of the 4,183 people sent offshore since August 2012, with an additional 3,127 offshored from July 2013, almost half were returned to Australia by 2021. The policy cost an average of A$1bn a year in taxpayer money and violated human rights in the process.

As of July 2021, there are 107 people on Nauru and 124 people on Manus Island, PNG. All offshoring centres on PNG have been ordered to shut by the end of 2021, after the High Court in 2017 ruled the use of these centres illegal and forced the Australian Government to pay A$70 million to those unlawfully detained.
What we can learn from Australia’s experience:

1. **Policies that aim to keep people out rather than helping them will ultimately fail**
   - Two key aims of offshoring are: to deter irregular maritime movement; and to disrupt people smuggling. This policy failed on both counts as it focused on the symptom rather than the issue at hand — that people will always need routes to safety.
   - Between 2012 and 2013, more than 24,000 people seeking asylum travelled to Australia by boat. In the months after the policy was fully implemented, there was no change in the number of boat crossings trying to reach Australia. 89
   - As outlined in this report, when people are refugees, cruel deterrents will not prevent people from doing what is necessary to find safety.

2. **Offshoring does not save lives – it ruins them**
   - One justification for Australia’s offshoring policy was to prevent people dying on dangerous journeys at sea by deterring such journeys. While no deaths have been reported at sea since 2014, this has been attributed to improvements in how Australia engages with boats as opposed to offshoring. Meanwhile, in just the first year of offshoring being introduced in 2012, 18 people died in Nauru. 90
   - The conditions endured by those offshored have been widely condemned. The processing centres were unliveable, with inadequate space and unhygienic, unsafe living conditions that lacked privacy. 92, 93
   - The suffering seen by those kept offshore on the islands led to the worst mental health suffering UNHCR and MSF health professionals had ever seen, surpassing even victims of torture. 94, 95
   - Significant issues with the legislative framework for processing the asylum claims of those offshored led to huge delays, uncertainty and de facto detention for those in the system. 96
   - A child living in the Nauru offshore camp explained: ‘What is the point of surviving at sea if you die in here?’ 97

3. **The huge cost of cruelty**
   - Since 2012, the Australian Government has spent A$8.3bn punishing, at its height, 3,127 people. It should be noted that most of these people were eventually recognised as refugees in need of protection. 98
   - Next year’s forecasted budget for Australia’s offshore management stands at A$800m. Covering just 239 people seeking asylum who are still offshore, this equates to A$3.39m per person. 99
   - In 2021, offshoring formally remains a part of the Australian Government’s asylum policy. However, behind the scenes, it is spending a substantial amount of money and effort trying to remove itself from this failed system and find alternative solutions. 100
Schedule 3 reflects the logic of the Anti-Refugee Bill as a whole – it is both cruel and unworkable.

The supposed purpose of this change is ‘to manage the UK’s asylum intake and deter irregular migration and clandestine entry to the UK’. In reality, offshoring is an impossible prospect. The Government would need to secure agreement from another country to host people seeking asylum. So far, the Government has not managed to secure any such agreement.

Secondly, like other Clauses we have discussed, offshoring will not ‘deter irregular migration and clandestine entry’. The assumption that it would is based on a fundamental misunderstanding of the reality of people’s experiences.

Finally, sending people to offshore camps, like sending them to accommodation centres, would not address the key problems with asylum accommodation – it would send them “out of sight and out of mind”. Learning from the examples of Nauru and Manus islands, this is likely to lead to shockingly poor conditions that have catastrophic impacts on people’s health and leave them with almost no way out.

In the short term, the main practical impact of offshoring will be to scare people who are already traumatised, and make them feel unwelcome, unsafe and uncertain in the UK. In the long term, if the policy is implemented, it will put refugees’ lives at risk.

People in the asylum system are already in an unfamiliar place, isolated and dealing with trauma every day. This Government is threatening to send these people to unfamiliar countries, simply to keep them off UK land. This is one step away from threatening to send them back to the danger they fled. Despite the UK having ratified the Refugee Convention, this Government is not upholding the commitments it contains. As Marie put it:

“...the fact that the other people had to travel through dangerous routes to travel to this country, it’s for a reason... they felt that UK is better welcoming and tolerant to the asylum people and everyone... People trust the UK. We feel we have been let down.”

WHAT’S THE ALTERNATIVE?

Base policies on evidence and international good practice

In general, the Government should implement policies based on evidence and international good practice, rather than headline-grabbing scaremongering. There is a wealth of evidence showing offshoring does not work and leads to high levels of suffering.

No Government should consider implementing policies that inspire such fear within those who might be affected by them.

Instead of pursuing this morally bankrupt proposal, the Government should focus on addressing the problems with existing asylum accommodation. As above, that means housing people seeking asylum within our communities, not separated from them.

HOUSING PEOPLE SEEKING ASYLUM WITHIN OUR COMMUNITIES, NOT SEPARATED FROM THEM.
People should look at the situations for other people, through their eyes, and putting [in place] a system that when people look back, they would be proud... rather than creating rules, which when they look back, they will be filled with shame and regret.” Marie

This research aimed to create a safe, supportive space for refugees and people seeking asylum to share their perspective on the Anti-Refugee Bill.

The focus groups found:

- **Criminalising people for coming to the UK to seek safety** won’t prevent people from doing so. It will make journeys more dangerous and punish people for actions they had no choice in taking.

- **Refusing to admit a person’s claim if they passed through a “safe country”** is not consistent with the Refugee Convention. It betrays the trust refugees place in the UK and shows no understanding of what it means to flee your home.

- **Giving refugees fewer rights depending on how they arrived** will create a second class of refugee who never feel truly safe or able to restart their lives.

- **Introducing basic full-board accommodation centres** will put people’s physical and mental health in danger, and effectively segregate people seeking asylum.

- **Preparing to send people in the asylum system to live in offshore camps** is a cruel and unworkable policy that will cause huge suffering for people who are already in distress.

This legislation will punish people for claiming asylum. It will force them to wait even longer than they do now before getting a decision, in even more dangerous and dehumanising conditions. And it will continue to punish these people even after they have been legally recognised as refugees.

Beyond this, it will further entrench institutional racism within our refugee protection system. By drastically reducing the number of refugees resettled directly to the UK while also branding people seeking asylum as unwanted or a “threat” to the UK, this Government erases the humanity of refugees and encourages people to view them as “second-class citizens”.

We believe a different future is possible. A future where those forced to flee the homes they loved find compassion, a fair decision and support to rebuild their lives. A future we can be proud of.

To get there, the Anti-Refugee Bill must be scrapped. Instead, the Government should introduce changes that will improve things for refugees and people seeking asylum in the UK:

- **Lift the ban on people seeking asylum working by giving them the right to work after they have been waiting for a decision on their claim for more than six months.**

- **Commit to resettling at least 10,000 people every year for at least five years.**

- **Ensure people are welcomed and supported from the start, by improving access to legal advice, information about asylum, and holistic practical support.**

- **Provide people seeking asylum with safe, secure housing** that gives them dignity, meets their needs and helps them make connections with their wider community.

- **Fund English lessons for refugees and people seeking asylum to help them settle in the UK.**

Activists listening to refugee speakers at the Refugees Welcome rally, October 2021
This research aimed to create a space where people within the UK refugee protection system could express their opinions about the Anti-Refugee Bill, share their experiences navigating the UK asylum system and discuss what a fair and effective refugee protection system would look like.

To do this, we carried out six focus groups with a total of 28 people with lived experience of the asylum system, conducted between 12 July and 12 August 2021. These focus groups were designed and delivered using participatory research techniques. They were designed, run and led collaboratively by the Policy and Experts by Experience teams at Refugee Action.

- Each focus group looked at a particular stage of a journey through the asylum system and discussed the Anti-Refugee Bill proposals most relevant to this stage.

- All participants were offered the ability to contribute via an interpreter. As a result, four sessions included at least one person speaking via an interpreter. In total, sessions were conducted in five languages.

- Participants were recruited from Refugee Action’s existing network of people with lived experience of the asylum system.

- Participants had a wide range of experiences they brought to this research, including situations they had fled and experiences of the asylum system across the UK.

Above all, we wanted this research to be empowering for those who took part, not intimidating or daunting. By designing the research in a participatory way, we prioritised building trust, understanding and accountability between facilitators and participants. People with lived experience informed and shaped the research throughout, both as focus group attendees and as part of the research team.

Before conducting the focus groups, the research proposal was presented to an advisory group of people with lived experience, who gave feedback on the methodology and areas of focus. We held two question and answer sessions with all participants, to ensure people felt comfortable with the research team and had a clear idea of what the sessions would entail. We also informed people in advance of the specific parts of the asylum system that would be discussed, including details of the Government proposals. All research materials were designed jointly by the two members of the Refugee Action Policy team and the two members of the Expert by Experience team (both of whom have lived experience of claiming asylum).

Each focus group was chaired by a member of the Expert by Experience team, with the two researchers facilitating the discussion and taking notes. The second member of the Expert by Experience team remained on hand to support participants with any technical issues and be on call in each session to offer support and signpost people to specialist mental health support if necessary. This was key given the distressing nature of the topics discussed.

Finally, all participants have access to monthly wellbeing sessions via SOLACE, a service based in Bradford that provides therapeutic services to refugees.

After conducting the focus groups, we held two feedback sessions, where key findings from the research were presented to all participants for further discussion and feedback in small groups. These sessions aimed to ensure participants felt their contributions had been understood and fairly reflected and had a final chance to add their perspective. Participants reflected on what they had contributed, compared views, and discussed pertinent points with one another.

After publishing this research, the research team will conduct an evaluation process with all participants to understand what went well, and what should be improved next time.


5. UK Parliament, Bill 141 2021-2022 *Nationality and Borders Bill* Clause 39: Illegal entry and similar offences. Before the House of Commons Committee Stage, this was known as Clause 37. An updated Bill was published on 4 November 2021. Clause numbers may change as the Bill progresses through Parliament.

6. UK Parliament, Bill 141 2021-2022 *Nationality and Borders Bill* Clause 15: Asylum claims by persons with connection to safe third State: inadmissibility. Before the House of Commons Committee Stage, this was known as Clause 14. An updated Bill was published on 4 November 2021. Clause numbers may change as the Bill progresses through Parliament.

7. UK Parliament, Bill 141 2021-2022 *Nationality and Borders Bill* Clause 11, s.5. Before the House of Commons Committee Stage, this was known as Clause 10. An updated Bill was published on 4 November 2021. Clause numbers may change as the Bill progresses through Parliament.


12. UK Parliament, Bill 141 2021-2022 *Nationality and Borders Bill* Clause 12, ss.8. Committee Stage, this was known as Clause 11. An updated Bill was published on 4 November 2021. Clause numbers may change as the Bill progresses through Parliament.


18. The Government’s original consultation process did not include any work to engage with people with lived experience directly. After concerns were raised by NGOs, the consultation plan was amended to include a series of focus groups with people with lived experience.


20. Throughout this report we have used pseudonyms for participants.


22. The UK’s ‘protection system’ is an umbrella term referring to the entire network of policy and legislation that exists to protect and support refugees in the UK. This includes systems focused on those claiming asylum in the UK, and systems that focus on resettling refugees directly from places of displacement.

23. UK Parliament, Bill 141 2021-2022 *Nationality and Borders Bill* Clause 39, s.2(8) and (c1).


27. UK Parliament, Bill 141 2021-2022 *Nationality and Borders Bill* Clause 15, 80B and 80C.


29. UK Parliament, Bill 141 2021-2022 *Nationality and Borders Bill* Clause 15, 80B.


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